

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held on **Tuesday, 21<sup>st</sup> October 2008** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10am – 1.00pm)

**Present:**

Peter Gubbins (Chairman)

Jill Beale	Henry Hobhouse
Mike Best	Michael Lewis
Tim Carroll	Pat Martin
Tony Fife	Patrick Palmer
Julian Freke	Sylvia Seal

**Also Present :**

Derek Yeomans  
Colin Winder

**Officers:**

Simon Gale	Head of Development and Building Control
Jean Marshall	Development Control Team Leader
John Millar	Planner
Greg Venn	Conservation Officer
Nick Whitsun-Jones	Principal Legal Executive Advocate ('Legal Officer')
Robin Legg	Assistant Solicitor
Angela Watson	Assistant Solicitor
Patricia Johnson	Committee Administrator

Prior to the commencement of the meeting the Chairman explained the procedure that would be followed.

### 1. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 15<sup>th</sup> April 2008, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

### 2. Apologies for Absence (Agenda Item 2)

An apology for absence was received from Councillor William Wallace.

### 3. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

#### 4. Public Question Time (Agenda Item 4)

There were no questions or comments from members of the public.

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#### 5. Erection of 1 No. dwellinghouse and garage on land adjacent to Apple Acre, Folly Road, Kingsbury Episcopi, Martock, Somerset (Agenda Item 5)

The Planning Officer presented the report and with the aid of slides and photographs he indicated:

- the land within the applicants' ownership;
- the application site;
- the proposed dwelling and garage;
- the proposed materials;
- the nearby listed building.

Referring to the recommended six reasons for refusal, as set out on pages 10 and 11 of the report, he explained that:

- the proposed development site was outside the development limits for the village but within the conservation area;
- the northern boundary of the development site consisted of a hedgerow, a Grade II listed wall and forecourt railings;
- the Highway Authority, whilst accepting that a visibility splay could be provided to the west of the application site, had expressed concern that the required level of visibility splay could not be achieved to the east as the necessary land was not within the applicant's ownership.

The Conservation Officer referred to the Planning Acts and the statutory requirements placed on the Council, and the policies in the South Somerset Local Plan and the Somerset and Exmoor National Park Joint Structure Plan Review, which state that the local planning authority should have special regard to the preservation and enhancement of a conservation area and that any development should conform to the historic character and appearance of the area. He informed Members that the boundary of the development limits had been drawn to exclude the application site, whilst the conservation area had been specifically drawn to include the listed buildings but exclude the new dwellings to the west of the application site.

With the aid of slides he indicated:

- the listed buildings within the vicinity of the application site and drew particular attention to the listed wall and railings on the boundary of the application site;
- the differing levels of the application site;
- the rural aspect to the rear of the application site;
- the barn conversion to the east of the application site.

With regard to the design, he drew Members' attention to the gable to the front of the dwelling – which he commented did not complement the local vernacular. He was of the view that the design of the dwelling and garage degraded the setting of the nearby listed building and that the proposal did not preserve or enhance the setting of the conservation area.

Councillor Derek Yeomans, the Ward Member, spoke in support of the application. In particular he commented that, in his opinion:

- the application was for a single dwelling constructed of natural stone and slate of an unusual but attractive design which would create an interesting transition

between the old buildings to the north and the modern dwellings to the east of the application site that were built in 1990;

- the conservation area had already been degraded by the construction of the relatively new dwellings to the west of the application site;
- the application site had not been specifically excluded from development but had just evolved that way over the years;
- the updated PPG7, now known as PPS7, does not specifically prohibit development of the site;
- because the road to the east of the application site curves to the left this provides substantial visibility for any driver exiting the application site. In the past large lorries and farm vehicles entered and exited the site for agricultural purposes and the access could still be used for agricultural purposes;
- due to the lack of services in the village and public transport, residents had to use their cars.

Mr Fox, the applicants' agent, commented that:

- the site was close to the centre of the village between existing residential properties and, in his view, was an infill site in the accepted sense of the word;
- the proposed development would be the last development site on the south side of the road and, therefore, would not set a precedent;
- the proposed development would act as a buffer between traditional and modern dwellings;
- the design of the proposed dwelling echoes other dwellings in the vicinity and has a more traditional appearance than the dwellings to the west of the application site;
- there was no intention to alter the boundary wall and railings;
- the Highway Authority wish to see no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. However, in a 30mph limit the required distance back from the carriageway edge is normally 2.0 metres. The hedge would only need to be trimmed back and not removed to obtain the required visibility;
- the planning officer's photographs were slightly biased as they did not show the modern dwellings to the west.

In concluding his comments Mr Fox invited the Committee to visit the application site before making a decision.

In response to Members' questions the Planning Officer or Conservation Officer:

- confirmed that the trackway through the site was not a right of way;
- confirmed that the hedge to the front of the site was likely to have protection, but this may be subject to certain exemptions;
- clarified that the hedge in the middle of the site would be removed but, as confirmed by the applicant's agent, the boundary hedge to the front of the site would only need to be trimmed back to 900mm;
- commented that the design and access statement indicated that there would be repairs and alterations to the wall and railings;
- confirmed that the proposed roof height was 8.5 metres, although the Planning Officer stressed that, if the application were approved floor levels would have to be agreed. As a streetscene elevation had not been submitted the planning officer was unable to give Members an indication of the height of adjoining properties in relation to the proposed dwelling.

During the ensuing debate Members sought clarification on a number of highway issues, and in particular asked why the Highway Authority were seeking visibility splays set 2.4

metres back from the carriageway edge when in a 30mph speed limit it was normally 2 metres and, as the entrance had been used for farm traffic for a number of years, whether there was any history of road accidents at the site. As an officer from the Highway Authority was not in attendance at the meeting the Planning Officer was unable to respond to Members' questions relating to the specific highway aspects of the application.

The Legal Officer advised Members that if the highway issues were material to their consideration of the application, and if they found the highway advice confusing, there was no alternative but to defer consideration of the application until clarity of advice had been obtained.

The Head of Development and Building Control suggested that it might be appropriate to defer consideration of the application in order to carry out a site visit with an officer from the Highway Authority present.

Councillor Tony Fife proposed that consideration of the application be deferred in order for Members to visit the application site. Councillor Pat Martin seconded the proposal. On being put to the vote the proposal was carried by 10 votes in favour with one abstention.

**RESOLVED:** That consideration of application 08/01669/FUL be deferred in order for Members to visit the application site.

*(Vote: 10 in favour, 1 abstention)*

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## **6. The erection of 212 dwellings/apartments together with new estate roads and footpaths on land off Deanesly Way, Wincanton (Agenda Item 6)**

As the Legal Officer wished to give Members confidential legal advice relating to Counsel's Advice it was proposed, seconded and:

**RESOLVED:** That, by virtue of the Local Government Act 1972, Schedule 12A, paragraph 5, i.e. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, members of the press and public be excluded during consideration of Counsel's opinion relating to the erection of 212 dwellings on land off Deanesly Way, Wincanton, as the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

The Legal Officer explained to the press and public why it was necessary to discuss Counsel's Advice with Members in closed session. The press and public left the meeting.

The Legal Officer explained in detail Counsel's Advice and answered Members' questions.

At the conclusion of the closed session the press and public were invited back into the meeting.

The Head of Development and Building Control drew Members' attention to the recommendation from Area East Committee that the application be refused and Counsel's advice be sought on the amount of uplift that could be applied.

He updated Members on the following information that had been received since the last meeting of Area East Committee:

- Wincanton Town Council endorsed the recommendation of Area East to refused the application; they strongly objected to the application as they believed that it would have a detrimental impact on the town in terms of infrastructure. The technical data that had been supplied was flawed, particularly with regard to traffic and the air quality surveys. The single access to the site was inadequate and the play areas should be spread out across the site.
- Letter of representation from a local resident relating to boundary treatment. However, he explained that the local resident had now been in discussion with the applicants to resolve the issues.
- An updated landscape proposal from the applicant.

With the aid of slides and photographs the Head of Development and Building Control indicated:

- the application site and residential properties to the west of the site;
- an aerial view of the site – indicating the proximity of the application site to the A303;
- the views of the landscape officer - who had expressed concerns relating to the height of the proposed dwellings in the north-east corner of the site which he felt would lose some of the coherence of the outline of the horizon. The Head of Development and Building Control did not concur with the Landscape Officer's comments as the horizon line had already been broken by existing dwellings at Bayford Hill;
- the contour of the site;
- the layout of the previous application (06/01621/FUL) and the present application;
- the heights of the dwellings and street scene;
- landscape proposal.

The Head of Development and Building Control explained the history of the planning approvals to develop the site, making particular reference to the extant permission for 119 dwellings. He reminded Members that the Regulation Committee had resolved to grant permission in 2006 for 212 dwellings subject to the signing of a Section 106 planning obligation, and that the present applicant was entitled to benefit from that decision. He commented that, due to an extant planning permission, the site could be developed regardless of any decision made by Members on the present planning application.

In considering the application, the Head of Development and Building Control, was of the view that due to previous planning permissions Members should ask themselves whether the design and layout of the present scheme was so significantly deficient when compared to the 2006 scheme (application 06/01621/FUL) as to warrant a refusal.

He drew attention to what he saw as the key issues, namely:

- Archaeology – he informed Members that the County Archaeologist had confirmed that a watching brief had been agreed between the applicant and the County Archaeologist;
- Sport and Leisure – he explained that whilst the Council's Leisure and Recreation Officer had requested facilities in line with the development of 212 dwellings, this

had been done in order not to set a precedent for other developments but they accepted that the provision would be based on uplift;

- Open Space – he explained that the open space team were concerned that there were more slow worms on the site than originally envisaged and, as such, the site would be managed to protect the slow worms by allowing the grass to grow longer than a normal play area;
- Landscape – he referred to his earlier comments relating to the break up of the horizon in the north-east corner of the site;
- Technical Information – he commented that, whilst he accepted that concerns had been raised about the robustness of the information, the various experts had accepted all the data. He expressed his concern that if Members were to refuse the application for reasons relating to the technical information it would be very difficult to defend on appeal.

Referring to the application, he was of the view that the proposal:

- reflected a typical housing estate;
- responded well to the topography of the site;
- would deliver 38 units of affordable housing in Wincanton;
- was in context with the neighbouring estate but reflected modern day densities;
- was essentially the same development that has already been accepted by the Regulation Committee.

He recommended that the application be approved subject to the prior completion of a section 106 planning obligation and the amended conditions circulated to Members prior to the meeting.

Mr David Norris, representing Wincanton Town Council, objected to the proposal and commented that the development would have an adverse impact on the lives of the residents of Wincanton. He made particular mention of the lack of sports and leisure facilities, which he felt would lead to problems with bored young people. If Members approved the application he urged them to request the full uplift of planning obligations. He also asked Members to reject what the Town Council saw as seriously flawed supplementary evidence, especially the data relating to the noise, traffic, air quality and materials.

He informed Members that the Town Council were very concerned that there was only a single access proposed for in excess of 300 dwellings, when the existing dwellings were taken into account.

In concluding his remarks he informed Members that the Town Council wished to see fewer and better-designed dwellings with more open space throughout the site.

In response to a request for clarification from Councillor Colin Winder, the Development Control Team Leader indicated the line of the main sewage pipe and storm water drain.

Councillor Colin Winder, one of the Ward Members, informed Members that the Town Council were:

- appalled by the quality of information submitted with the application. He made particular mention of the traffic survey, which indicated that of the 90 houses in Deanesly Way - which equated to approximately 135 vehicles - only 34 cars had exited Deanesly Way at the time of the survey. The air quality data had been based on the result of the defective traffic survey. He was of the view that before Members could take a decision on the application they should request better information on traffic management as he firmly believed that motorists would use

the roads in the existing residential estates as a rat run from the new development to South Street;

- with regard to the single entrance via Deanesly Way, he felt strongly that, to ease traffic flows, there should be a second access to the site. He deplored the fact that no highway officer had attended any of the meetings at which the application had been discussed, particularly when taking account of the history of the site and the problem of vehicular access.

Two members of the public spoke in opposition to the proposal. They endorsed the comments made by the representative of the Town Council and the Ward Member, particularly with reference to the traffic issues. In particular they felt that there had been a total lack of strategic town planning and that the design, with only one access, was unacceptable. Mr Eastaugh asked that, should Members approve the application, the permission be subject to two other access points at Eastfield Road and Devenish Lane, which could be developed at some time in the future. Mr Western felt that, apart from the traffic congestion that would be generated from the additional vehicles, there would also be problems resulting from additional cars parked on the roadside.

In response to comments the Head of Development and Building Control confirmed that a senior officer from the Highway Authority had attended an Area East meeting in 2006 to answer Members' questions. He also confirmed that every letter that had been received in 2006 relating to highway issues had been sent to the Highway Authority. A second senior officer from the Highway Authority had been asked to comment on this application and he had also found the application acceptable in highway terms, as had the Highways Agency.

Prior to Members' discussion of the application the Legal Officer advised that, whilst the planning officer had commented that, in his view, Members should concentrate on the design and layout of the application as compared to the 2006 approved scheme (06/01621/FUL), Members should not feel constrained by that comment. He stressed that this was a full application and that Members were at liberty to take into account all relevant matters. Their decision should be made in accordance with the relevant development plan policies unless other material considerations overrode those policies.

In response to Members' questions, the Head of Development and Building Control confirmed that off-site highway improvement works and the provision of a travel plan formed part of the section 106 planning obligation.

Councillor Tim Carroll commented that a material change had taken place at the junction of Devenish Lane since the 2006 application had been approved. The junction had been improved as part of a recent development; as such, he felt that that consideration should be given to securing a second access to the site off Devenish Lane. He felt that it would be a reasonable and legitimate request to ask the Highway Authority whether it was possible to secure a second access off Devenish Lane.

The Head of Development and Building Control commented that the application before Members was for a single access which the Highway Authority had approved. To now go back to the Highway Authority with a request for a second access would raise a number of different issues, especially for the people living in the vicinity of Devenish Lane. He further explained that the entrance off of Devenish Lane was purely for emergency access should Deanesly Way ever be blocked and was covered by proposed condition number 22.

Those Members speaking in support of the officer's recommendation commented that:

- the previous planning approvals were relevant in considering the present application;
- the Highway Authority experts had agreed that the single entrance was acceptable for the number of vehicles that would use the site;
- the layout was similar to that approved in 2006.

Those Members speaking against the officer's recommendation commented that:

- with approximately 300 plus vehicles using Deanesly Way the traffic issues still needed to be addressed;
- flooding issues relating to the site also needed to be addressed;
- the Devenish Lane emergency entrance should be brought into use as a fully operational access into the development site and proposed condition 22 should be removed;
- the local community would suffer because of loss of infrastructure.

Referring to the comment that proposed condition 22 should be removed, the Head of Development and Building Control explained that, from a planning point of view, it would be preferable to impose the condition and the applicants could then submit an application for its removal, which would then allow for the full consultation process to take place.

He reiterated earlier comments that both the Highway Authority and the Environment Agency had raised no objection to the highway and attenuation proposals for the site.

Councillor Tim Carroll asked whether, by approving an application where planning obligations only related to the uplift figure from a previous planning approval, this would set a precedent for other developers if there were similar evidence on other sites. He asked for an undertaking from the Head of Development and Building Control or from the Legal Officer that this would not be the case.

The Head of Development and Building Control explained that previous planning approvals would always be a material consideration.

Councillor Tony Fife commented that approving the application would not create a precedent as each planning application would be treated on its own merits.

The Legal Officer explained that it was not possible to give the undertaking requested by Councillor Carroll as each application would be treated on its own merits in relation to its own site specific circumstances. At the time an application was considered weight would be given to the 'fall back' position, i.e. previous permissions, if this was a relevant consideration. He stressed that it would be unlawful for Members to take a decision that would in any way bind the Council when considering future planning applications.

It was proposed and seconded that the application be approved in line with the officer's recommendation subject to the signing of a section 106 planning obligation as set out on pages 29 and 30 of the agenda and subject to the imposition of the amended conditions circulated to Members. On being put to the vote the proposal was carried by 9 in favour, 1 against and 1 abstention.



**RESOLVED:**

That application no 08/02183/FUL be approved subject to:

- a) the prior completion of a section106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following matters:
  - (i) Phasing of development
  - (ii) Off site highways works and matters raised in the Highway Officer's response
  - (iii) Affordable Housing to provide 38 dwellings
  - (iv) Education contributions
  - (v) Open Space and landscape management plan
- b) the imposition of the planning conditions set out below on the grant of planning permission:

**JUSTIFICATION**

The proposal accords with the function of Wincanton as a sustainable location for additional growth. Notwithstanding the objections and representations summarised in the officer's report to the Area East Committee on the 2 September 2008 (including those of local residents) and as stated above, there is no demonstrable harm to interests of acknowledged importance and the proposal thus complies with the aims and objectives of the Regional Spatial Strategy (Policies Vis 1, Vis 2, SS2, SS6, SS19, EN1, EN2, EN4, EN5, HO3, HO6, TRAN1, TRAN7, RE2), Somerset and Exmoor National Park Joint Structure Plan Review (Policies STR1, STR2, STR4 and Policies 1, 5, 11, 35, 42, 44, 48, 49), the South Somerset Local Plan (Policies [ST5, ST6, ST7, ST8, ST9, ST10, EH12, EP1, EP3, EU4, TP1, TP4, TP5, TP7, HG1, HG4, HG7, CR2, CR4], and central government advice comprising PPS1, PPS3, PPG13, PPG16 and PPS25.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
- 02 No part of the development hereby permitted shall be commenced unless a programme showing the phasing of the development has been submitted to and approved by the local planning authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the local planning authority may in writing subsequently approve.  
Reason: The local planning authority wish to ensure that the scheme is completed in accordance with an agreed timescale for the development in order to minimise disturbance on the adjoining residential areas.

- 03 The scheme hereby granted permission shall not be carried out otherwise than in complete accordance with the submitted plans and specifications as amended and amplified by letters and plans received 20th June 2008, 14th July 2008, 28th July 2008 and 27th August 2008 and additional information in respect of the Flood Risk Assessment submitted 18th June 2008.  
Reason: In the interests of the amenities of the area and neighbouring residents and to ensure that a comprehensive scheme is achieved for this development site.
- 04 No part of the development hereby permitted shall be commenced unless there has been first submitted to and approved in writing by the local planning authority precise details, including samples and sample panels, where required, for the materials to be used for the dwellings and boundary treatments hereby permitted. These details shall be in accordance with the general schedule of materials submitted with the application unless variation thereto is otherwise agreed in writing by the local planning authority.  
Reason: In the interests of the visual amenities of the area and in accordance with Policy ST6 of the South Somerset Local Plan
- 05 No part of the development hereby permitted shall be commenced unless full details of the method of protection for the trees and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. Such protection shall accord with BS 5837.2005.  
Reason: In the interests of the visual amenities of the area and in accordance with Policy ST5 and EC6 of the South Somerset Local Plan.
- 06 No part of the development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the local planning authority a scheme of management to provide management specifications for all of the landscape elements and open spaces identified on the landscape plans, drawings ref 301G, 302H, 303G, 304G and 305H and including works to the existing vegetation and landscape features, to ensure that the long term care and development of the site is consistent with the concept masterplans for the development site. The scheme of management shall include standard specifications that will apply to all landscape work. This shall include the initial maintenance, during and to completion of the construction works and for a further 10 year period.  
Reason: In the interests of the visual amenities of the area and to comply with Policy ST6 of the South Somerset Local Plan.
- 07 No part of the development hereby permitted shall be commenced unless details of the proposed finished floor levels for all the dwellings, including full cross-sectional drawings, and any ground recontouring details have been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be completed fully in accordance with such plans.  
Reason: To ensure that the development is subject to minimum risk of flooding and does not adversely affect neighbouring properties in accordance with policies ST6 and EU5 of the South Somerset Local Plan

- 08 No part of the development hereby permitted shall be commenced unless details of a scheme for the provision of surface water run-off limitation, as detailed in the Flood Risk Assessment (Kevin Mitchell, Report No. ES0826/FRA/Rev. A, dated 12/06/08) and 'Drainage Strategy' plan (Drawing. No. 0255 301-01, dated June 08), has been submitted to and approved in writing by the local planning authority. This scheme shall include provision to ensure surface water from driveways is prevented from discharging onto the highway. The scheme shall subsequently be implemented in accordance with the approved details and timetable agreed and thereafter maintained at all times.  
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy EU5 of the South Somerset Local Plan.
- 09 No part of the development hereby permitted shall be commenced unless details of the safe overland flood flow routes for managing storm event exceedence (to include road and finished floor levels, kerb heights etc.), in accordance with the Flood Risk Assessment (Kevin Mitchell, Report No. ES0826/FRA/Rev. A, dated 12/06/08) and 'Drainage Strategy' plan (Drawing. No. 0255 301-01, dated June 08), have been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved plans.  
Reason: To ensure that the development, and neighbouring properties, are subject to minimum risk of flooding in accordance with Policy EU5 of the South Somerset Local Plan.
- 10 No part of the development hereby permitted shall be commenced unless a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details  
Reason: In the interests of sustainable development and prudent use of natural resources.
- 11 No part of the development hereby permitted shall be commenced unless the local planning authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the development site. For this purpose full details of the proposed connections and flows for foul sewerage shall be submitted to and approved in writing by the local planning authority prior to building construction work commencing. No dwellings hereby permitted shall be occupied until such infrastructure is in place.  
Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan.
- 12 No part of the development hereby permitted shall be commenced unless a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.  
Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan.

- 13 Any proposed oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.  
Reason: To prevent pollution of the water environment in accordance with Policy EP9 of the South Somerset Local Plan
- 14 There shall be no burning of rubbish or materials on the development site during the construction phase of the development  
Reason: In the interests of the amenities of neighbouring properties and to safeguard the retained trees and hedgerows on the site.
- 15 No part of the development hereby permitted shall be commenced unless details of a construction methodology plan to cover proposed hours of the construction site operation, provision of temporary construction vehicle parking and proposed routes for construction traffic have been submitted to and approved in writing by the local planning authority.  
Reason: In order to minimise disturbance during construction for neighbouring residential areas.
- 16 No part of the development hereby permitted shall be commenced unless full details of the noise mitigation bund proposed to the A303 boundary of the development site has been submitted to and approved in writing by the local planning authority. Such works as approved shall be constructed prior to the occupation of any dwelling hereby approved and thereafter retained in such condition to ensure its effectiveness.  
Reason In the interest of the amenity of the occupiers of the dwellings.
- 17 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.  
Reason: In the interests of highway safety and in accordance with Policy 49 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011
- 18 No part of the development hereby permitted shall be commenced including development site clearance, unless the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work involving geophysical survey, trial trenching and appropriate subsequent mitigation including excavation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.  
Reason: In the interests of the archaeological heritage of the County and in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan 1991-2011

- 19 The parking and turning areas and garages shown on the submitted plans (drawing no 103J) shall be fully constructed and available for the parking of vehicles associated with individual properties prior to their first occupation. Garages shall not be used other than for the parking of vehicles or for domestic storage purposes only without the prior written consent of the local planning authority. Turning area shall be kept clear for the purpose of turning at all times.  
Reason: To ensure adequate parking is available is available and in accordance with Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan 1991-2011.
- 20 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.  
Reason: To ensure that each of the dwellings can be appropriately accessed in accordance with Policy TP4 of the South Somerset Local Plan.
- 21 No materials shall be brought onto the development site unless full details of the proposed storage areas to be used for materials for each phase of development has been submitted to and approved in writing by the local planning authority. There shall be no open storage of materials other than in the locations agreed in writing at any time.  
Reason: In the interests of the visual amenities of the area in accordance with Policy ST6 of the South Somerset Local Plan.
- 22 There shall be no vehicular access permitted from Devenish Lane into the development site (with the exception of emergency vehicles) at any time. Full details of the proposed bollards/means of closure at the junction of the footpath/cycleway with Devenish Lane shall be submitted to and approved in writing by the local planning authority and installed prior to the first occupation of any dwelling. The bollards/means of closure shall thereafter maintained at all times.  
Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.
- 23 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.  
Reason: In the interests of highway safety and in accordance with Policy 29 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011
- 24 No part of the development hereby permitted shall be commenced unless a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' has been submitted to and approved in writing by the local planning authority. Once agreed the travel plan shall be fully implemented.  
Reason: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

- 25 None of the dwellings hereby permitted shall be occupied unless a scheme of street lighting has been installed within the development site from Deanesly Way in accordance with a design and specification to be approved in writing by the local planning authority.  
Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan
- 26 This permission shall not be implemented in addition to any permission for similar residential development already granted on the land edged red on the submitted site location plan 101 Rev C and shall be treated as an alternative. The implementation of this or other such permission shall be treated as alternatives so that the developer may have the option of carrying out development in accordance with this permission or the aforesaid, but may not implement more than one such permission.  
Reason; In the interest of the amenities of local residents and the character of the area and in accordance with Policy ST6 of the South Somerset Local Plan 2006.
- 27 No part of the development hereby permitted shall be commenced unless full details of the proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys/bus shelters, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving have been submitted to and approved in writing by the local planning authority in conjunction with the Highway Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority.  
Reason: In the interests of highway safety and in accordance with Policy 29 of the Somerset and Exmoor National Plan Joint Structure Plan 1991-2011.
- 28 No part of the development hereby permitted shall be commenced (including groundworks or clearance) unless full details of a scheme to avoid harm to the slow worms has been submitted to and approved in writing by the local planning authority following the principles set out in the submitted Reptile Mitigation Strategy (March 2008) and Reptile Receptor Area Ecology Management Plan (April 2008). Such details shall include:
- methods for the safe trapping and translocation of slow worms to an appropriate area of the site and providing protection to these areas from construction activities
  - methods for preventing slow worms from re-entering areas where they are likely to come to harm from construction activities
  - provision of information to all construction personnel about the scheme, including the nature conservation and legal implications
- Reason: Slow Worms are a legally protected species under the Wildlife and Countryside Act and in accordance with Policy EC8 of the South Somerset Local Plan.

- 29 If the proposed works are not commenced within one year of the date of this permission, a further full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to and approved in writing by the local planning authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

Reason: Species protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994 are known to be present in the area. The current wildlife assessment, Ecological Walkover Survey dated July 2007 will require updating in order to ensure all protected species and their habitats are safeguarded.

**Informatives:**

- 01 The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil (0845 3459155). He will be able to advise upon and issue/provide the relevant licenses, necessary under the Highways Act 1980 (Section 184). Alternatively, these matters can be dealt with by way of a S278 Agreement and further advice on this aspect can be given upon the grant of any planning permission.
- 02 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.
- 03 Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

We recommend referring to our Pollution Prevention Guidelines, found at [www.environment-agency.gov.uk/business/444251/444731/ppg/](http://www.environment-agency.gov.uk/business/444251/444731/ppg/)

- 04 The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk/> > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful - <http://www.savewatersavemoney.co.uk/>.

In addition the applicant should aim to comply with the Code for Sustainable Homes and achieve the highest number of stars possible, preferably six. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/code\\_for\\_sust\\_homes.pdf](http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf) for detailed advice on how to comply with the Code.

- 05 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

We have been reliant on the accuracy and completeness of the Flood Risk Assessment in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. It should be noted that we have no obligation to check the calculations submitted and assume that the designs have been checked through normal QA procedures and are in accordance with recognised design methods and best practices etc.

- 06 You are advised to ensure that inspection manholes be provided and clearly labelled on foul and surface water drainage systems so that discharges from individual premises can be inspected and sampled where necessary.

- 07 There is a strong likelihood that the site is used for nesting birds, due to the high availability of potential nesting sites. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. All of the following works could cause damage to nesting birds and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior search by a competent person has confirmed the absence of nesting birds ;
- removal or trimming of trees, shrubs or hedges
  - cutting or clearing of scrub, ivy, bramble or other dense vegetation

- 08 You are advised to ensure that adequate room is made available for the storage of wheelie bins to prevent these being placed on and causing an obstruction to pavements. This particularly applies to that part of the development comprising flats.

- 09 You are reminded that a public foul sewer crosses the site and a diversion may be required. No building will be permitted within 3m of this sewer.



- 10 You are reminded that a public surface water sewer crosses the site and a diversion may be required. No building will be permitted within 3m of this sewer. There is limited capacity available in the surface water system to serve the proposed development. Surface water should be attenuated to prevent downstream flood risk to property. Discharge rates will need to be agreed with Wessex Water/ Environment Agency as part of surface water drainage strategy on the site.
- 11 The applicant is advised to investigate SUDs options for this site to minimise the volume and rate of flow of surface water run-off to the sewer and receiving watercourse
- 12 Water supply - connection should be made to the existing system at two locations in order to ensure adequate security of supply. The primary point of connection will be provided for the supply main at Devenish Lane. Additional connection should be made from Common Road.

*(Vote: 9 in favour, 1 against, 1 abstention)*

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**7. Date of Next Meeting (Agenda Item 7)**

Members noted that the next meeting of the Committee would take place on Tuesday, 18th November 2008 at 11.00am in The Council Chamber, Council Offices, Brympton Way, Yeovil and agreed that the site visit for application 08/01669/FUL would take place a 9.00am prior to that meeting.

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Chairman